

REMARKS/ARGUMENTS

Claims 23-36 are now pending. Favorable reconsideration is respectfully requested.

The present invention relates to an assay method for detecting anti-*Treponema pallidum* antibodies in a sample, comprising:

reacting with said sample a *Treponema pallidum* fused antigen, wherein the fused antigen consists of a plurality of surface antigens of *Treponema pallidum*, wherein said surface antigens include at least one antigen selected from the group consisting of 15-kilodalton surface antigen of *Treponema pallidum*, 17-kilodalton surface antigen of *Treponema pallidum*, and 47-kilodalton surface antigen of *Treponema pallidum*; and detecting the reaction of said fused antigen with said antibodies.

See Claim 23.

The rejections of the claims under 35 U.S.C. §103(a) as set forth in the Official Action dated December 24, 2003 are believed to be obviated by the amendments submitted above.

Claim 1 of Applicants' U.S. 6,248,331, i.e., the patent that issued from the parent application, hereinafter referred to as "the '331 patent," is directed to a specified *Treponema pallidum* fused antigen. For the Examiner's convenience, a copy of the '331 patent is submitted herewith.

Claim 23 of the present application recites the same *Treponema pallidum* fused antigen as recited in Claim 1 of the '331 patent.

The claims of the '331 patent were allowed over the same references that are cited in the present application. Since the method claims of the present application contain all of the limitations of the product claims of the '331 patent, the claims of the present application are

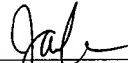
allowable for the same reasons as the claims of the '331 patent. Accordingly, withdrawal of these grounds of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendment submitted above. Newly-added Claim 23 specifically recites detecting the reaction of said fused antigen with said antibodies. Accordingly, Applicants submit that the claims are definite within the meaning of 35 U.S.C. §112, second paragraph. Withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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